REPUBLIC OF THE PHILIPPINES
SENATE
PASAY CITY

Impeachment Court

IN THE MATTER OF:

Case No. 004-2026

THE IMPEACHMENT TRIAL OF VICE PRESIDENT SARA ZIMMERMAN DUTERTE,

x----------x

COMMENT

[Re: Prosecution's Manifestation with Proposal on Certain Additional Pre-Trial Matters dated June 24, 2026[1]]

Respondent, through counsel, respectfully states:

1. ***On the Use of Filipino and English.*** Among the proposals of the prosecution include the use of Filipino and English in the conduct of the proceedings, permitting counsels and witnesses to use either language as circumstances would require.[2] The defense considers the same reasonable and has no objection to the proposal. The defense recognizes the importance of ensuring effective communication during the course of the proceeding and, more importantly, promoting language inclusivity and accessibility to the Filipino public.

2. ***On a Reciprocal Three-Day Witness Disclosure Rule.*** The prosecution also seeks the adoption of a reciprocal three-day witness disclosure rule. It is the prosecution's position that such measure will promote fairness, reduce surprise, affords parties meaningful preparation, and minimize requests for postponement.[3] The defense agrees that a reasonable period for prior disclosure of witnesses is a sound policy and aids in the speedy and orderly proceedings. In fact, the defense respectfully submits that reciprocal disclosure of witness must be made at least five (5) calendar days, instead of three (3) calendar days, to better serve the interests of fairness, speedy administration, and adequate trial preparation. To this end, it is further proposed that on the final day of hearing for a given week, the names of all the witnesses to be presented the following week must likewise be disclosed considering that in the calendar provided to the parties, the Impeachment Court contemplates successive days of trial hearings.

3. ***On the Participation of Both Public and Private Prosecutors in Witness Examination.*** The prosecution also requests that at least two designated prosecutors, including one public prosecutor and one private prosecutor, be permitted

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[1] Received on June 24, 2026
[2] Paragraph 1, prosecution's Manifestation with Proposal on Certain Additional Pre-Trial Matters, p. 1
[3] Paragraph 2, prosecution's Manifestation with Proposal on Certain Additional Pre-Trial Matters, p. 2

to participate in the examination of a witness,[4] the defense is constrained to oppose this. The objection is anchored on the need to ensure orderly proceedings during trial, prevent confusion in the presentation of evidence, and avoid subjecting witnesses to undue and prolonged examination on the witness stand. Moreover, this is not the first time that the House of Representatives campaigned for the impeachment of the respondent. It is thus presumed that it is more than ready to take charge of its own case without relying on the private prosecutors, especially given the many pronouncements in their media interviews, that the public prosecutors are confident about their case. The defense submits that only one counsel from each party should be allowed to speak during the examination of witnesses and that it must be the public prosecutors who should take the lead in the examination of their own witnesses, especially since the public prosecutors had taken pains to announce before the media their lead prosecutor, and their assisting private prosecutors.

Splitting the examination of witness between two prosecutors or counsels on each side results in fragmenting the testimony of the witness. Instead of a seamless and structured flow of testimony, the witness is compelled to shift between different questioning styles and lines of inquiry, thereby increasing the likelihood of inconsistent and confusing answers. Moreover, allowing several counsels to conduct witness examination sets the stage for a chaotic proceeding, overlapping objections, arguments, and interruptions between both parties. Consequently, the Honorable Impeachment Court will be unduly burdened with the task of regulating the order and flow of the witness examination, shifting the focus away from more important matters such as the substance of the testimony.

It must be remembered that procedural rules exist to maintain order and efficiency in the administration of a case. Accordingly, rules adopted by the Honorable Impeachment Court must be for the purpose of, among others, avoiding confusion and ensuring that testimonies are elicited in a clear, organized, and intelligible manner. Allowing two prosecutors and two defense counsel to handle the examination of one witness does not serve this purpose. To preserve the orderly conduct of the proceedings, the examination of a witness should be limited to one anchor on each side, with all other prosecutors and counsels strictly confined to an assisting role. It is additionally proposed that the prosecutor designated to conduct the examination of a witness must be a public prosecutor, consistent with their duty to directly control and supervise the prosecution of the case, as well as the standard presumption that they are fully equipped and competent to discharge this duty.

4. ***On the Opening and Pre-Marking of the Sealed BIR Box and its contents.*** With respect to the prosecution's request to open and pre-mark the sealed Bureau of Internal Revenue (BIR) box and its contents,[5] the defense is not averse to this proposal and believes in upholding transparency in a manner that also protects the rights of the respondent. To achieve this, the opening and pre-marking must only

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[4] Paragraph 3, prosecution's Manifestation with Proposal on Certain Additional Pre-Trial Matters, p. 2
[5] Paragraph 4, prosecution's Manifestation with Proposal on Certain Additional Pre-Trial Matters, pp. 2-3

be done in an Executive Session and parties must be strictly prohibited from releasing copies of the documents to the public. Furthermore, to ensure due process, pre-marked copies should be furnished the defense.

The prosecution also states that "Such opening and inventory shall be without prejudice to any objection as to the admissibility, relevance, evidentiary weight or any other matter properly raised during the proceedings, and shall not be construed as an admission of any document into evidence."[6] Apart from the foregoing, it must be made clear that the opening and pre-marking shall not, in any way, be construed as admission of the legality of the BIR submission to the Committee on Justice vis-à-vis prohibition of disclosure of confidential and private data. Additionally, the opening and pre-marking of said box is without waiver of any objections on the part of the respondent on the unconstitutionality of the Committee on Justice proceedings under which the alleged evidence was obtained. Finally, it is expressly put on record that in opening and pre-marking the sealed BIR Box and its contents, the respondent does not waive the penal provisions under Section 270 in relation to Section 20(a) of the National Internal Revenue Code (NIRC).

It should be noted that the box contains documents covering the years where respondent was neither an impeachable officer nor a public officer. As previously raised in the respondent's Answer dated May 25, 2026 and Pre-Trial Brief dated June 15, 2026, those documents cannot serve as basis for any impeachable offense as these pertain to a time prior to the respondent's assumption of an impeachable office. Notwithstanding the opening and pre-marking of the BIR box and the contents thereof, the defense maintains and repeats its position that the documents covering the period when the respondent was not holding an impeachable office are irrelevant and carries no evidentiary weight.

Further, any agreement on the proposals put forward or accepted by the parties shall not prejudice, diminish, impair, or constitute as waiver of the rights of any person or entity not a party to this case, which may be affected by the impeachment proceedings and its incidents.

Reliefs[7]

WHEREFORE, it is respectfully prayed that the Honorable Court:

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[6] See *id.*

[7] As the prosecution included a prayer in its Manifestation with Proposal on Certain Additional Pre-Trial Matters to grant its request, the respondent is constrained to oppose the same. This Comment is thus being filed in response to the prosecution's Manifestation with Proposal on Certain Additional Pre-Trial Matters filed on June 24, 2026, without waiver of the respondent's fundamental and other objections, as well as any questions that the respondent may have on issues affecting the constitutional requirements under Article XI.

(a) note and consider the foregoing agreements, counter-proposals, and objections to the proposals of the prosecution as set forth in its Manifestation with Proposal on Certain Additional Pre-Trial Matters filed on June 24, 2026 and

(b) promptly resolve the matter and issue Orders as may be necessary to promote fairness, clarity, and orderly presentation of evidence throughout the proceedings.

Other equitable reliefs are also prayed for.

Respectfully submitted.

Makati City, June 26, 2026

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Copy furnished:

The Prosecution Panel
House of Representatives
Batasang Pambansa Complex
Batasan Hills, Quezon City

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4193-1-07

REPUBLIC OF THE PHILIPPINES)
MAKATI CITY)ss.

AFFIDAVIT OF FILING AND SERVICE

I, **LINDON MIGUEL C. BACQUEL,** of legal age, and subscribing under oath, depose and say:

1. I am a Senior Associate of the law firm of **FORTUN NARVASA & SALAZAR LAW OFFICES**, with business address at 23rd Floor, Multinational Bancorporation Centre, 6805 Ayala Avenue, Makati City;

2. On June 26, 2026, I served copies of "**COMMENT**" in the case entitled "**IN THE MATTER OF: THE IMPEACHMENT TRIAL OF VICE PRESIDENT SARA ZIMMERMAN DUTERTE**" docketed as "***Case No. 004-2026***" before the **Senate of the Philippines, Pasay City, Impeachment Court,** in the following manner:

2.1 **SENATE OF THE PHILIPPINES**
Impeachment Court
Pasay City

_____ by electronic mail.

2.1 **The Prosecution Panel**
House of Representatives
Batasang Pambansa Complex
Batasan Hills, Quezon City
[redacted]

_____ by electronic mail.

Makati City, June 26, 2026

[redacted]
LINDON MIGUEL C. BACQUEL

SUBSCRIBED AND SWORN to before me this 26th day of June, 2026, affiant being personally known to me, exhibited his Driver's License No. C05-12-012463 and valid until October 5, 2033 as competent proof of his identity.

Doc. No. 505;
Page No. 106;
Book No III;
Series of 2026

4193-1-07

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